

S.J. Res. 29. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on January 14, 1997, during the adjournment of the Senate by the Acting President pro tempore (Mr. ROBERTS).

MESSAGES FROM THE HOUSE

At 3:10 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 40003 of Public Law 105-18, the minority leader appoints the following individuals to the National Commission on the Cost of Higher Education: Dr. Blanche Touhill of Missouri and Dr. Walter Massey of Georgia.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on July 14, 1997 he had presented to the President of the United States, the following enrolled joint resolution:

S.J. Res. 29. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2484. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to conditions in Burma; to the Committee on Appropriations.

EC-2485. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC-2486. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, a rule entitled "Conditional Exemption from Terminology Section of the Care Labeling Rule" received on July 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2487. A communication from the Executive Vice President and Chief Operating Officer of the Corporation For Public Broadcasting, transmitting, pursuant to law, a report on services to minorities and other groups; to the Committee on Commerce, Science, and Transportation.

EC-2488. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2489. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, a rule entitled "Abandonment and Discontinuance of

Rail Lines and Rail Transportation" received on July 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2490. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a rule entitled "Notice of Final Funding Priorities for Fiscal Years 1997-1998" received on July 10, 1997; to the Committee on Labor and Human Resources.

EC-2491. A communication from the Director of the Office of Public/Private Initiatives, the Commercial Service of the U.S.A., International Trade Administration, transmitting, pursuant to law, a rule entitled "Federal Register Notice" (RIN0625-XX07) received on July 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-2492. A communication from the Executive Vice President and Chief Operating Officer of the Corporation For Public Broadcasting, transmitting, pursuant to law, a report on services to minorities and other groups; to the Committee on Commerce, Science, and Transportation.

EC-2493. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled "Present State of Knowledge of the Upper Atmosphere 1996: An Assessment Report"; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-178. A resolution adopted by Manistee County Board of Commissioners, Manistee Michigan relative to the English language; to the Committee on Governmental Affairs.

POM-179. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION 4

Whereas, on May 21, 1996 New Hampshire became the first state in the nation to enact electric utility restructuring legislation, which provides for competitive retail customer choice of electric generation suppliers for all customers in 1988; and

Whereas, the United States Congress and the Federal Energy Regulatory Commission (FERC) by statute and orders have laid the groundwork for retail competition, by prompting wholesale competition in electricity markets through the adoption of the Energy Policy Act of 1992 and the issuance of FERC Order No. 888 promoting open access transmission services; and

Whereas, there remain some impediments and ambiguities in federal law relative to states' promotion of retail competition in electricity markets and the restructuring of the electric utility industry, and ambiguities in the boundary between federal and state jurisdiction; and

Whereas, divestiture by vertically integrated electric utilities of their electric generation business and their electric transmission and distribution business into separate entities may be a desirable part of electric utility restructuring, some states may want to encourage or mandate such divestiture, and the spinning off of one business or the other to current shareholders may be a desirable method of implementing this goal; and

Whereas, New Hampshire has adopted an electric utility restructuring policy principle in law which states, "Increased competition in the electric industry should be imple-

mented in a manner that supports and furthers the goals of environmental improvement," and which continues, "As generation becomes deregulated, innovative market-driven approaches are preferred to regulatory controls to reduce adverse environmental impacts," and

Whereas, FERC has indicated a clear desire that the United States Environmental Protection Agency implement appropriate environmental regulation to accompany electric utility restructuring; and

Whereas, the United States Congress is considering federal legislation to encourage and promote retail competition and customer choice in electricity supply markets; now, therefore, be it

Resolved, by the Senate and House of Representatives in General Court convened, That the general court of New Hampshire hereby urges the United States Congress, FERC, and other federal agencies to continue to cooperate with and support state efforts to restructure the electric utility industry and promote retail competition; and

That Congress and FERC should affirm state authority to order retail customer choice of electric generation suppliers including the authority to order filing of tariffs for the provision of retail transmission service by electric utilities under state jurisdiction and their affiliates, consistent with needs of retail customers as well as FERC's open access policies and comparability principles; and

That Congress should affirm that states have jurisdiction over all retail sales of electricity to end users within the state, so that states can require the imposition of nonbypassable distribution charges on all retail customers, even if there are no distribution facilities under state jurisdiction involved; and

That Congress should make clear state authority to order divestiture of generation assets by electric utilities that own distribution; and

That Congress should remove tax code obstacles and other barriers to electric utility restructuring, such as barriers to divestiture of generation assets by vertically integrated utilities or holding companies; and

That Congress should eliminate mandatory purchase requirements of the Public Utility Regulatory Policies Act of 1978 once all customers of a utility have the right to choose their own supplier of electricity; and

That Congress and the EPA should pursue policies, including amendments to the Clean Air Act, that promote market based systems which ensure continued and ongoing environmental improvement and reduction of air pollution emissions from electric power generation plants, and provide for fair competition among all generators; and

That copies of this resolution be sent by the clerk of the house of representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Federal Energy Regulatory Commission, the Secretary of the United States Department of Energy, the chairpersons of the committees of the United States Congress having jurisdiction over electric utility restructuring, and to each member of the New Hampshire congressional delegation.

POM-180. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Appropriations.

SENATE JOINT RESOLUTION No. 53

Whereas, the integrity of Tennessee's infrastructure is dependent upon the continued support of the federal government and its funding mechanisms; and